REMARKS

Claims 2-4, 22-24, and 32-34 are cancelled; claims 41-48 are new; thus, claims 1, 5-21, 25-31, and 35-48 are all the claims pending in the application. Claims 1-20 stand rejected under 35 U.S.C. 101. Claims 1-40 stand rejected on prior art grounds. Applicants respectfully traverse the rejections based on the following discussion.

I.   The 35 U.S.C. 101 Rejections

Claims 1-20 stand rejected under 35 U.S.C. 101 because the Office Action asserts that the claimed invention is directed to non-statutory subject matter. More specifically, the Office Action asserts that claims 1-20 are method claims that are not tied to a particular machine or apparatus. Office Action, p. 2, item 1. Applicants have amended independent claim 1 to recite that "the unsolicited instant advertisement [is] relocated with a relocation module". Moreover, Applicants have amended independent claim 1 to recite "characterizing unsolicited instant advertisements in the database from metadata attached to content of the unsolicited instant advertisements".

Accordingly, Applicants submit that the method of independent claim 1 is tied to a particular machine or apparatus, namely a "relocation module", a "database", and "metadata", and is therefore directed to statutory subject matter

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under 35 U.S.C. 101. Moreover, respective dependent claims 5-20 (claims 2-4 are cancelled) are similarly directed to statutory subject matter based on their dependency from a patentable claim. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II.   **The Prior Art Rejections**

Claims 1-8, 16-28, 31-37, and 40 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Application Publication No. 2003/0098882 to Cowden (hereinafter referred to as "Cowden"). Claims 9-15, 29-30, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cowden in view of U.S. Patent Application Publication No. 2005/0076084 to Loughmiller (hereinafter referred to as "Loughmiller"). Applicants respectfully traverse the rejections.

A.   The Rejections Based on Cowden

The claimed invention detects an attempt to display an unsolicited instant advertisement in a primary browser window. The unsolicited instant advertisement is relocated to a database that is not part of the primary browser window, without deleting the unsolicited instant advertisement.

Independent claims 1 and 21 each recite "characterizing unsolicited instant advertisements in the database from metadata attached to content of the

unsolicited instant advertisements ... [and] sorting the unsolicited instant

advertisements in the database". Independent claim 31 recites that the

"database characterizes unsolicited instant advertisements from metadata

attached to content of the unsolicited instant advertisements to allow a user to

sort the unsolicited instant advertisements".

Applicants traverse the rejections because Cowden does not disclose

relocating an unsolicited instant advertisement to a database, characterizing the

advertisements in the database from metadata attached to content of the

advertisements, or sorting the advertisements in the database. Instead, Cowden

merely discloses blocking unwanted windows by closing the windows or hiding

the windows from the user's view. More specifically, as described in paragraph

[0081] of Cowden:

> the window is blocked if window analyzer 308 determines that it is a
> bad window. One way of blocking the window is to invoke a browser
> method to close the window. Another way of blocking the window is
> to hide it away from the user's view by keeping it invisible or off-
> screen. Hiding the window, instead of closing it, is preferable in
> applications where the user may want to review a list of blocked
> windows and selectively view those that are of interest to her.

Accordingly, Applicants submit that Cowden does not disclose relocating the

blocked window to a database, characterizing windows in the database, or

sorting the windows in the database. Instead, Cowden merely discloses closing

the blocked windows or hiding the blocked windows from the user's view.

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Therefore, Applicants submit that Cowden fails to disclose the claimed features of "characterizing unsolicited instant advertisements in the database from metadata attached to content of the unsolicited instant advertisements … [and] sorting the unsolicited instant advertisements in the database" as recited in independent claims 1 and 21. Further, Cowden fails to disclose the claimed features wherein the "database characterizes unsolicited instant advertisements from metadata attached to content of the unsolicited instant advertisements to allow a user to sort the unsolicited instant advertisements" as recited in independent claim 31. In addition, Applicants' submit that dependent claims 2-8, 16-20, 22-28, 32-37, and 40 are similarly patentable, not only because of their dependency from a patentable independent claims, but also because of the additional features of the invention they recited. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

B.   The Rejections Based on Cowden and Loughmiller

Applicants traverse the rejections because the proposed combination of Cowden and Loughmiller does not teach characterizing unsolicited instant advertisements in a database from metadata attached to content of the advertisements, or sorting the advertisements in the database. As discussed more fully above, Cowden merely discloses blocking unwanted windows by closing the windows or hiding the windows from the user's view.

Loughmiller discloses a method and apparatus for filtering messages, including a spam filter 121 and a database 122. Loughmiller, para. [0034]. An identification engine 253 examines messages in the database 122 and classifies them as good messages, bulk periodicals, or spam. Loughmiller, paras. [0010], [0050].

Nevertheless, nothing within Loughmiller mentions classifying the messages based on metadata attached to content of the messages. Instead, the messages are classified based on "intent of each message". Loughmiller, paras. [0011], [0052], [0058], [0114]. More specifically,

> an input vector generator ... recognizes words and expressions in the text of the header and body sections. The input vector generator uses the recognized words and expressions to generate an input vector. The vector is generated using a many-to-one map of words and phrases to input vector positions. In one embodiment, the map includes a subset of the 2,000 most useful regular expressions (identifying words or phrases) selected using a genetic algorithm out of the possibly 70,000 most common English words that might be used.

Loughmiller, para. [0109]. Therefore, Loughmiller classifies messages based on the content of the messages, i.e., the "words and expressions in the text of the header and body sections", and not based on metadata attached to the content.

Accordingly, Applicants submit that the proposed combination of Cowden and Loughmiller does not teach characterizing unsolicited instant advertisements in a database from metadata attached to content of the advertisements, or

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sorting the advertisements in the database. Instead, the art of record teaches

classifying messages based on "intent", as determined from the content of the

messages.

Therefore, Applicants submit that the proposed combination of Cowden

and Loughmiller fails to teach the claimed features of "characterizing unsolicited

instant advertisements in the database from metadata attached to content of the

unsolicited instant advertisements … [and] sorting the unsolicited instant

advertisements in the database" as recited in independent claims 1 and 21 (from

which claims 9-15 and 29-30 depend upon, respectively). Further, the art of

record fails to teach the claimed features wherein the "database characterizes

unsolicited instant advertisements from metadata attached to content of the

unsolicited instant advertisements to allow a user to sort the unsolicited instant

advertisements" as recited in independent claim 31 (from which claims 38-39

depend upon). In view of the foregoing, the Examiner is respectfully requested to

reconsider and withdraw the rejections.

II.   Interview Summary

The undersigned participated in a telephonic interview on May 17, 2010.

Applicants thank the Examiner for speaking with him to discuss this patent

application. Applicants submit this Summary of the Interview, which provides details of the telephonic interview.

A.   Nature of any exhibit or demonstration

No exhibit or demonstration was used.

B.   Claim identification

Claims 1, 21, and 31 were discussed.

C. Prior art discussed

Cowden and Loughmiller were discussed.

D.   Identification of proposed amendments

Proposed amendments to claims 1, 21, and 31 were discussed, specifically, the "characterizing unsolicited instant advertisements in the database from metadata attached to content of the unsolicited instant advertisements; and sorting the unsolicited instant advertisements in the database" elements.

E.   Identification of arguments

Arguments made in this Amendment regarding the "characterizing unsolicited instant advertisements in the database from metadata attached to content of the unsolicited instant advertisements; and sorting the unsolicited instant advertisements in the database" elements were discussed during the interview.

F. Identification of other pertinent matters

Possible corrective actions for the 35 U.S.C. 101 rejections were discussed. The Examiner suggested adding the claim element "relocation module" to the method recited in independent claim 1.

G. General results of interview

Applicants notified the Examiner of proposed claim amendments and argued that such claim elements are not taught by the art of record. The Examiner agreed that the "characterizing unsolicited instant advertisements in the database from metadata attached to content of the unsolicited instant advertisements; and sorting the unsolicited instant advertisements in the database" elements would likely remove Cowden and Loughmiller as 35 U.S.C. 103 references; however, an updated prior art search would be conducted.

III. Formal Matters and Conclusion

In view of the foregoing, Applicants submit that claims 1, 5-21, 25-31, and 35-48, all the claims presently pending in the application, are patentably distinct from the art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for

allowance, the Examiner is requested to contact the undersigned at the local

telephone number listed below to discuss any other changes deemed necessary.

Respectfully Submitted,

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